Remarks

Claims 1-13 and 17-19 are pending in the application before this amendment.

Claims 1-13 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vargo et al. (U.S. Patent No. 6,356,545) in view of Bauer et al. (U.S. Publication No. 2001/0008556) and further in view of Riddle (U.S. Patent No. 6,175,856).

Claims 1-13 were objected to.

The applicant has amended claims 1, 17.

Claims 1-13 and 17-19 remain in the application.

The applicant has added no new matter and requests reconsideration.

Claim Objections

Claims 1-13 were objected to because of the informalities in claim 1. The applicant corrects claim 1 to replace "digital signal" with "digital telephone signal" and to add "first type of" to correspond with "a second type of codec" recited in claim 1.

Claim Rejections – 35 USC § 103

Claims 1-13 and 17-19 were rejected under for being obvious over Vargo in view of Bauer and further in view of Riddle (U.S. Patent No. 6,175,856). The applicant traverses the rejection for the following reasons.

Vargo teaches an architecture that permits dynamic packet-to-packet changes in codec to adjust for internet conditions. Specifically, Vargo teaches a local voice port which includes a speech quality detector and a codec selector module. The speech quality detector determines speech quality of each speech packet received at the voice port. If the speech quality of the packet falls below a baseline B, the codec selector changes the codec for that particular packet locally. See col. 11, lines 1-20. But Vargo does not teach the device and the remotely-located

device enabled to negotiate a first type of codec by each sending to the other a list of one or more types of codecs that each supports and each deciding to use a mutually supported codec through the use of a predetermined protocol. The examiner also acknowledges that Vargo does not teach such limitation.

Riddle teaches an automatic codec selector which matches the de-compression capability in a recipient processor with the compression capability in a transmitting processor and then selects the best codec possible to compress the transmission data. See Abstract, and col. 7, lines 54-67.

The examiner alleges that Riddles teaches the device and the remotely-located device enabled to negotiate a first type of codec by each sending to the other a list of one or more types of codecs that each supports. But Riddle does not teach that the device and the remotely-located device negotiate a first type of codec by each sending to the other a list of codec that each device supports. Instead Riddle teaches that the transmitting device and the receiving device negotiate a codec by having the receiving device sending to the transmitting device a list of decompression codecs available in the receiving device in response to a request for information from the transmitting device. See Col. 9, lines 6-13. In other words, only the receiving device sends a list of codec to the transmitting device without having the transmitting device sending a list of codec to the receiving device. Therefore, Riddle only discloses a one-way exchange of codec information instead of a two-way exchange.

Claim 1 is now amended to require that the DSP module enabled to renegotiate a second type of codec, wherein the renegotiation is triggered upon detection of degradation in voice quality by the remote device. See Specification page 12, lines 13-14.

The examiner alleges that the initiating device inserts a notification in a field of the packet header to inform the recipient device that subsequent packets will be encoded with different specified algorithm discloses the renegotiation of a second codec between the devices (the examiner identifies the initiator as the DSP module associate with the device and the recipient as the remotely located device recited in claim 1). But Bauer falls short of the limitations recited in claim 1, because it does not teach detection of degradation in voice quality by the remote device (or the recipient disclosed in Bauer). Instead, Bauer teaches that a network monitoring agent monitors the network condition and detects degradation in voice quality for dynamic switching to a different encoding scheme. See Abstract.

Referring to Fig. 2, the network monitoring agent 300 is a separate and independent element from the other devices, such as 210, 220, 230, and 225. Furthermore, Fig. 3 shows a communication port 330 that connects the network monitoring agent to the packet telephony environment 100, thereby linking the network monitoring 300 to each connected node or party, i.e. such as devices 210, 220, 230, and 225. To be more specifically, the network monitoring agent 300 monitors network traffic and determines when to dynamically switch to a different encoding scheme. If the encoding scheme is adjusted, the network agent sends a notification message to one or more connected devices, such as device 210, 220, 230, 225, which must respond by implementing the codec. The device that receives the notification from the network monitoring agent is referred to as the initiator, and the other party of the connection is referred to as the recipient. See [0026]. As one can see, neither the initiating device nor the recipient device monitors the network condition and detects degradation in voice quality , rather it is the network monitoring agent, a separate and distinct element apart from the initiating and recipient

devices that performs network monitoring. As such, Bauer does not teach renegotiation of a second codec triggered upon detection of degradation in voice quality by the remote device.

Claim 1 is further amended to require the DSP module dynamically switch to the second codec only if the device determines that the second codec is available therein (the examiner identifies the DSP module recited in claim 1 as the initiating device).

As explained above, Bauer's initiating device does not determine whether a second codec is available for it to dynamically switch to the second codec. Instead, it is the network monitoring agent that determines when to dynamically switch to a different encoding scheme. The initiating device must respond by implementing the new codec upon receiving a notification message the network monitoring agent. See [0026]. Therefore, there is no determination made by the initiating device, it just implements the new codec upon receipt of a notification message.

As discussed above, the combination of Vargo, Riddle, and Bauer does not suggest all of the limitations recited in independent claims 1 and 17, much less in the further embodiments of the dependent claims. It is therefore submitted that claims 1-13 and 17-19 are patentably distinguishable over the prior art and allowance of these claims is requested.

Conclusion

For the foregoing reasons, the applicants request reconsideration and allowance of claims 1-13 and 17-19. The examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Julie L. Reed

Julie L. Reed
Reg. No. 35,349

210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613

CLAIMS AS AMENDED					
For:	Number After Amendment	Previous Number	Extra	Rate	Additional Fee
Total Claims	16	16*		x $50 =	$ -0-
Independent Claims	2	2**		x $200 =	$ -0-
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					$ -0-

*greater of twenty (20) or number for which fee has been paid
**greater of three (3) or number for which fee has been paid

☒ Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.